



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____
BILL 40 (2017)

A BILL FOR AN ORDINANCE

RELATING TO TREES.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1 The purpose of this ordinance is to create an adopt-a-tree program to be administered by the Department of Parks and Recreation.

SECTION 2 Chapter 10, Revised Ordinances of Honolulu 1990 ("Rules, Regulations, Charges and Fees for Public Parks and Recreation Facilities"), is amended by adding a new section to be appropriately designated by the revisor of ordinances and to read as follows:

"Sec. 10- . Adopt-a-tree program."

(a) Establishment. There is hereby established an adopt-a-tree program, which will be administered by the department of parks and recreation. The director shall adopt rules in accordance with HRS Chapter 91 to implement this section. The program will begin operation upon the effective date of the rules, but in no event later than October 1, 2017.

(b) Definitions. For the purposes of this section:

"Adopter" means a person adopting a tree under the program established pursuant to this section.

"Department" means the department of parks and recreation.

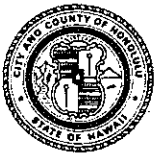
"Director" means the director of parks and recreation.

"Person" includes individuals, partnerships, corporations, limited liability companies, trusts, firms, associations, societies, communities, and assemblies.

"Tree" means a tree under the management of the department of parks and recreation, including street trees and trees in city parks.

(c) Elements of Program. The program will at a minimum include the following elements:

(1) Interested persons may adopt a tree by selecting an existing tree or else choosing a tree to be planted. Adopters may also request that a standard



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plaque accompany the tree identifying the name of the adopter, the date of adoption, and, if desired, a brief message of dedication.

- (2) Designation of an existing tree for adoption, selection and siting of a new tree for planting, and the specifications of any accompanying plaque are subject to the approval of the department.
 - (3) The director is authorized to set fees for the adoption of a tree to cover purchase, installation, and ongoing maintenance expenses for the tree and the cost of any plaque and its engraving.
 - (4) The adopter may enter into an agreement with the department concerning the involvement of the adopter in planting and maintenance activities. As part of the agreement, the department may offer guidance and supplies to the adopter in exchange for a commitment by the adopter to undertake, for a specified duration, certain tasks associated with care of the tree. Upon termination of the agreement, any unused materials must be returned to the department.
- (d) Additional Authority of Director. The director may:
- (1) Declare a class of tree, park, portion of a park, or other location ineligible for the program if its inclusion in the program would pose safety hazards to the adopter or the public.
 - (2) Impose additional requirements for adoption not in conflict with this section and in the interests of public safety or necessary for practical administration of the program.
 - (3) Permit an adopter to decorate the tree, pursuant to rules adopted by the department, so long as the decoration is unobtrusive and does not harm the tree, interfere with maintenance activities, or pose a danger to public safety or welfare. The city will not be responsible for maintaining any decoration, nor will it be responsible for vandalism, damage to, or theft of decoration.
 - (4) Require the adopter to execute such releases, indemnity agreements, and similar agreements as the director may deem advisable in consultation with the corporation counsel."



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SECTION 3 New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the underscoring.

SECTION 4 This ordinance takes effect upon its approval.

INTRODUCED BY

DATE OF INTRODUCTION:

MAR 30 2017

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

KIRK CALDWELL, Mayor
City and County of Honolulu